IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WA.No. 1174 of 2006()

AGAINST JUDGMENT DATED 28.6.2006 IN WP(C) NO.16675/2006

APPELLANT: WRIT PETITIONER.

ANISHA A BASHIR, D/O.V.S.BASHIR,
AGED 26 YEARS, MANJU,. OLAYIL, THEVALLY,
KOLLAM 691 009.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENTS/RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO THE GOVERNMENT, DEPARTMENT OF HEALTH AND FAMILY WELFARE, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF MEDICAL EDUCATION, DIRECTORATE OF MEDICAL EDUCATION, THIRUVANANTHAPURAM.

3. THE COMMISSIONER OF ENTRANCE EXAMINATIONS, THIRUVANANTHAPURAM.

4. THE DIRECTOR OF HEALTH SERVICES, THIRUVANANTHAPURAM.

5. THE PRINCIPAL, GOVERNMENT MEDICAL COLLEGE, KOZHIKODE.

6. BINDU, LECTURER IN OPTHALMOLOGY, MEDICAL COLLEGE, CALICUT.

R1 TO R5 BY SR.GOVERNMENT PLEADER MR.M.R.SABU
R6 BY ADV.MR.R.RAMADAS

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & C.N.RAMACHANDRAN NAIR, J.

W.A.No.1174 of 2006

Dated, this the 12th day of December, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

The short order that has been impugned in the present writ appeal reads as follows:

> "Heard the learned counsel for the petitioner. In view of the findings of this Court in the interlocutory order dated 21/06/2006 in W.P.C.No.15224 of 2006 and connected matters, I do not find any illegality with Ext.P2 order. This writ petition fails. Dismissed."

2. It is the conceded position that W.P.(C) No.15224 of 2006 and connected matters are still pending. We have gone through the interim order passed in W.P.(C) No.15224 of 2006 and connected matters which is a detailed order. In view of the detailed order passed in W.P.(C) No.15224 of 2006 and connected matters, at the most it would have been a case to decline stay, but not to dismiss the writ petition as such, as surely interim orders cannot be construed as expression of final opinion in the matter. The impugned order is set aside and the matter is remitted to the learned Single Judge. As mentioned

above, W.P.(C) No.15224 of 2006 and connected matters are still pending. We direct the office to list the present writ petition in which appeal has been filed and also W.P.(C) Nos.15224 of 2006 and connected matters for hearing on 18.12.2006. In as much as, a detailed order has been passed, even though interim, by the learned Single Judge (Justice Thottathil B.Radhakrishnan), it will be appropriate that these matters are placed before the same Bench. Office shall list the matters as directed above, but it will be then for the counsel for the parties to make a request to the learned Single Judge for early hearing of the cases.

Writ appeal is disposed of accordingly.

V.K. BALI,
CHIEF JUSTICE.

C.N.RAMACHANDRAN NAIR,
JUDGE.

vns